

Senate Bills 39-40 – State Land Management Reforms

Background

- This discussion began in 2012 with enactment of PA 240 which contained a cap on the amount of land that DNR can own with certain exemptions included.
- A requirement of PA 240 was the development of a land management plan by the DNR. In exchange for the Legislature approving the plan, the cap would come off of Northern Michigan and the UP (the cap no longer applied to southern and mid-Michigan back in May 2015).
- A plan was presented to the Legislature, but it was not specific enough in many areas, and it did not address problems that constituents have raised with department policies and regulations.
- The Legislature attempted to work on these items with the department as the plan was developed, but the department did not engage with the Legislature until after the plan was written and presented.
- With the proposed legislative changes included in SBs 39 and 40, the state would be bringing some balance to current policies and advancing reasonable policy for the future use and enjoyment of the natural resources for residents, visitors and communities.

4 main issues addressed in the legislation include:

- Improving access and use of state land;
- Reforming the land transaction process related to purchases and sales of state land;
- Allowing local units of government to have greater input on state land purchases where there is already a significant concentration of public land; and
- Paying PILT (payments in lieu of taxes), swamp taxes and CFA payments to locals on time and in full.

SB 39 (S-3) & 40 (S-2) Content

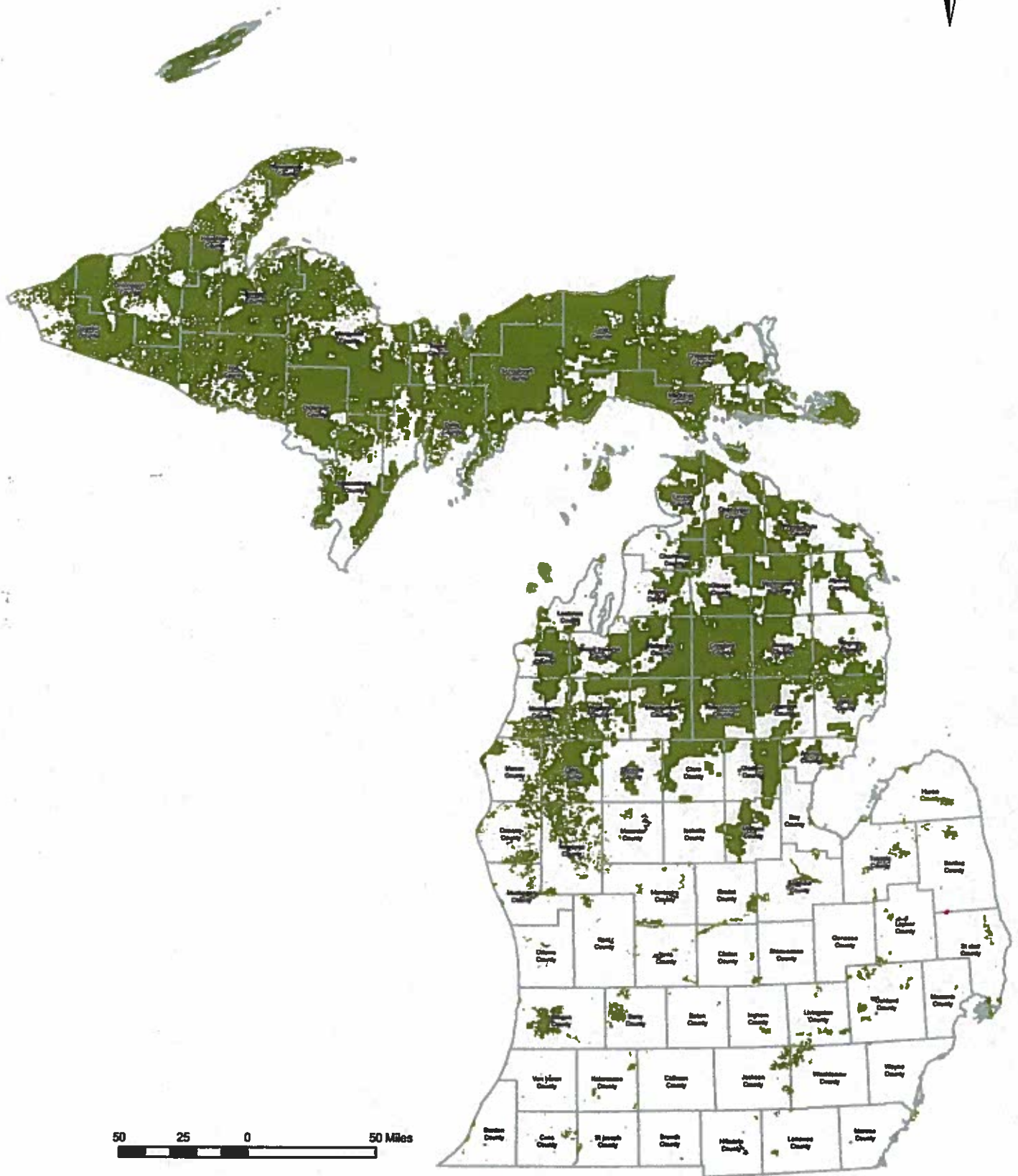
- Adopts the DNR land plan in exchange for reforms that address problems related to PILT, access, land transactions, and local input.
- Ensures DNR works with the Legislature to pay PILT/swamp taxes on land they own.
- Requires the DNR to consider land transaction requests (but they still make the decision) and improves the process by imposing timelines and transparency mechanisms.
- Develops processes for land to be considered for more access and use as well as transparency mechanisms for any 500+ acre piece of land that is proposed to be limited from use or management.
- Sets a process in counties where more than 40% is state or federally owned or in CFA for counties to reject a proposed state purchase. That impacts 20 counties which are: Alger, Baraga, Chippewa, Crawford, Delta, Dickinson, Gogebic, Houghton, Iron, Kalkaska, Keweenaw, Lake, Luce, Mackinac, Marquette, Ontonagon, Oscoda, Roscommon, Schoolcraft and Wexford. In counties under that threshold, DNR must meet with the locals and provide the specified information.
- Removes the cap on Michigan counties above the Mason-Arenac Line (agreed to this if all the other reforms in the bill are enacted)

Support – MI Association of Counties (MAC), MI Township Association (MTA), Lake State Lumber Association (LSLA), MI Aggregates Association, MI Realtors, MI Chamber, Great Lakes Timber Professionals, MI Association of Timbermen, Upper Peninsula Sportsman's Alliance, Lake County, Residents in UP that testified in committee

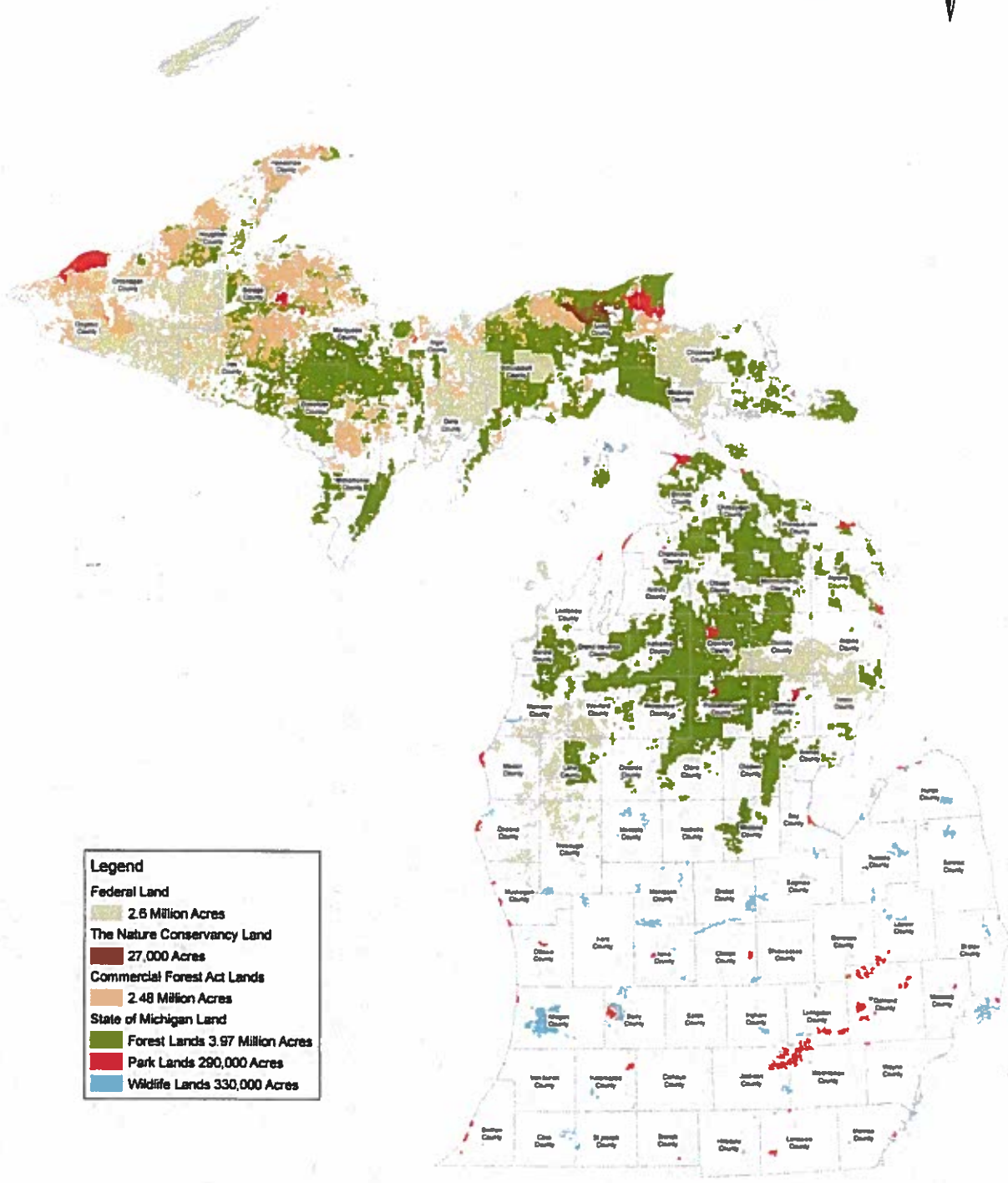
***Opposition** – Sierra Club, MI Environmental Council (MEC), MI United Conservation Club (MUCC), The Nature Conservancy, MI Forest Association, Heart of the Lakes, Werkman Outfitters, Pere Marquette River Lodge, Backcountry Hunters and Anglers of MI, MI League of Conservation Voters, MI Trappers and Predator Callers, Sault Ste. Marie Tribe of Chippewa Indians *all of these are based on committee versions vs. floor versions

No position – DNR

State of Michigan Public Owned Lands and CFA Lands



State of Michigan Public Owned Lands and CFA Lands



Legend	
Federal Land	
2.6 Million Acres	
The Nature Conservancy Land	
27,000 Acres	
Commercial Forest Act Lands	
2.48 Million Acres	
State of Michigan Land	
Forest Lands 3.97 Million Acres	
Park Lands 290,000 Acres	
Wildlife Lands 330,000 Acres	



**STATE CONSTITUTION (EXCERPT)
CONSTITUTION OF MICHIGAN OF 1963**

§ 52 Natural resources; conservation, pollution, impairment, destruction.

Sec. 52.

The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other natural resources of the state from pollution, impairment and destruction.

History: Const. 1963, Art. IV, § 52, Eff. Jan. 1, 1964

§ 5 State lands.

Sec. 5.

The legislature shall have general supervisory jurisdiction over all state owned lands useful for forest preserves, game areas and recreational purposes; shall require annual reports as to such lands from all departments having supervision or control thereof; and shall by general law provide for the sale, lease or other disposition of such lands.

The legislature by an act adopted by two-thirds of the members elected to and serving in each house may designate any part of such lands as a state land reserve. No lands in the state land reserve may be removed from the reserve, sold, leased or otherwise disposed of except by an act of the legislature.

History: Const. 1963, Art. X, § 5, Eff. Jan. 1, 1964